

OGC Has Reviewed

3 May 1954

MEMORANDUM FOR: Acting Deputy Director (Administration)

SUBJECT: Suggested Procedure to be Adopted by the Agency in Compliance with Public Laws Authorizing Federal Aid to School Facilities in Maryland and Virginia

REFERENCE: Memorandum from the Department of Health, Education, and Welfare to DD/A, dated March 16, 1954

1. In referenced memorandum, the Chief, Federal Properties and Special Studies Section, of the Department of Health, Education, and Welfare, requested of this Agency "the name and/or number of each Federal building" in which the Agency has employees in Washington, D. C. The request was made against the background of Public Laws 815 and 874 (81st Congress, 2nd Session (1950)). In substance, these Laws, as amended by Public Laws 246 and 248 (83rd Congress, 1st Session (1953)) is that the Federal Government will provide contribution to the (a) construction and (b) maintenance and operation of schools "situated within reasonable commuting distance" of Federal properties on which their parents are employed. So far as the headquarters echelon is concerned, such Federal assistance will be forthcoming to schools in those counties in Virginia and Maryland which are attended by children whose parents are employed by this Agency in Washington. A condition precedent of the Federal aid is that the parents concerned be employed on "Federal properties." Hence, the request of the Chief, Federal Properties and Special Studies Section of the list of buildings occupied by CIA employees in Washington.

2. Since information as to the location of all buildings occupied by this Agency, in Washington or elsewhere, is classified, representatives of the Office of Security, with whom this problem has been discussed, have all but stated that they would not approve of the submission of a list of such buildings to the Department of Health, Education, and Welfare. On the other hand there is the equitable consideration that the children of CIA headquarters personnel benefit from school facilities in the nearby counties of Maryland and Virginia, consequently that they should lend themselves to the implementation of the Federal program if at all possible. And there is the practical consideration that, because of the amount of money which will be allowed for each child whose parents meet the statutory requirements, the sum total of allowable money represented by all CIA children is considerable.

3. Consequently, there is posed the problem of how to meet the security demands of the Agency and the equitable demands of the nearby school districts.

4. On Wednesday, April 28, 1954, a meeting was held at the Department of Health, Education and Welfare between representatives of this Agency and those of that Department for the purpose of arriving at a resolution of the apparently conflicting demands of CIA and HEW. In attendance from CIA were [redacted], Office of General Counsel, and the [redacted] of the Security Division. The Department was represented by the Messrs. Robert B. Hennings, Office of General Counsel; Claude M. Hirst, Alfred B. Overn, and B. Alden Lillywhite, Office of Education; and Paul L. Grigsby, Deputy Commissioner for Education. After some discussion of the over-all problem, it was suggested by [redacted] that a method of satisfying the needs of the Department and the security requirements of CIA would be for CIA to poll its employees as regards those of them who had children in attendance at public schools in the surrounding counties of Virginia and Maryland, ascertain which of these employees worked on Federal property, within the meaning of the law, and submit the total number of such employees, by counties, to the Department with the certification that such employees in fact were employed on Federal property. Immediately it was made apparent that the practical effect of [redacted] proposal was a delegation to this Agency of the statutory authority of the Commissioner of Education to make it a determination as to whether a particular piece of property upon which an employee of this Agency actually worked was Federal property within the strict meaning of that phrase. However, after some discussion it was the opinion of Mr. Hennings, and concurred on by other members of the Department, that this delegation was not objectionable. Accordingly, it was the sense of the meeting that the proposal would be acted upon as regards this Agency's compliance with the two Federal laws involved.

5. The proposal has the merit that there will not accumulate in the hands of any outside State or Federal agency lists, or partial lists, of CIA employees. Conversely, something of an administrative burden incident to the implementation of the proposal is placed upon this Agency. Agency employees should be instructed that their children should not disclose the location of any buildings in which their CIA-employed parents work other than in terms of 2430 "E" Street, N. W., the known headquarters building of the Agency. This requirement excludes deep-cover personnel whose connection with the Agency cannot be disclosed. The Agency should then poll its employees as to the number of children in each family in attendance at public schools either in Fairfax, Prince William or Arlington Counties, or the cities of Falls Church or Alexandria, in Virginia, or in Prince George's or Montgomery Counties, in Maryland. These results should then be analyzed in terms of the properties on which these parents work. The properties should be analyzed in terms of whether each is Federal property within the strict meaning of that phrase. And the total number of children, by county or city, should be diminished by those numbers whose parents work on what is found to be non-Federal property. Thereafter, the numbers only, by county or city, should be forwarded to the Department of Health, Education, and Welfare for its use as a basis for the distribution of funds.

As seen by this office, the problem posed primarily is a personnel-administrative one, with certain security aspects. It is felt, therefore, that its administration should be accomplished by the Personnel Division working with the Security Division, that after suitable briefing by this office, the Personnel Division should be the point of contact between the Agency and the Department. This office will be glad to assist in the legal matter of the determination of what is, and what is not, Federal property.

6. While the above is in specific reference to Agency headquarters in Washington vis-a-vis counties and cities in the surrounding area, the problem generally is the same as regards CIA installations in other parts of the country. In passing we note that the law is not applicable to most of the large cities but rather is directed at medium to smaller ones. It is felt that the solution proposed would be workable elsewhere.

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Office of General Counsel

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